

Tracking Number: COW2024005474REQ

Requester Name: Julius Nyerere

Organization: African Immigrant Rights Council LLC

Request Date: 7/12/24

July 12, 2024 FOIA Officer for US-CIS Lee's Summit, MO

Revised guidance to asylum officers whether an asylum seeker could reasonably relocate

Please send us a copy of the “revised guidance to Asylum Officers to consider whether an asylum seeker could reasonably relocate to another part of the country of feared persecution when assessing claims of future persecution in all credible fear cases” that was issued on May 9, 2024.

This “revised guidance” is mentioned in the May 9, 2024 DHS Press Release:
DHS Announces Proposed Rule and Other Measures to Enhance Security, Streamline Asylum Processing

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We request a fee waiver under 5 USC § 552(a)(4)(A)(iii): “disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and disclosure is not primarily in the commercial interest of the requester.”

Disclosure will contribute significantly to public understanding of asylum operations

The public wants to know about asylum seekers, and how they are treated. The public wants to know if guidance to officers is accurate and in accord with the law. The public “has the right to check the math.” *Freedom Coalition of Doctors for Choice v. Centers for Disease Control and Prevention*, 2024 WL 69084, at *14 (N.D.Tex. Jan. 5, 2024)[Requester wanted to see the government research about COVID vaccines]

We will publish the material, if it is newsworthy, on our website. This will reach “a reasonably broad audience of persons interested in the subject.” *Bartko v. US DOJ*, 898 F.3d 51, 75 (D.C.Cir. 2018)

Prominent newspapers have published articles about asylum:

Editorial: “Here’s a deal to restore asylum, and order, at the border”

page A20 *The Washington Post* Nov 28, 2023

Hackman, Michelle “Senators’ Top Target in Border Talks: Tighter Asylum Rules for Migrants” *Wall Street Journal* Nov 26, 2023

Disclosure is not “primarily” in the commercial interest of the requester

AIRC has no commercial interests. It charges no fees; it has no profits. It is a nonprofit organization, established to help immigrants. Disclosure is not in any way in the “commercial” interest of the requester. Disclosure is certainly not “primarily” in the commercial interest of the requester.

The purpose of AIRC is to help immigrants from Africa get legal status; to educate those immigrants; to get information from the U.S. government via the Freedom of Information Act, including filing, appealing and seeking judicial review of requests under that Act; and to help the immigrants in other ways as are proper.

AIRC does not charge anyone any fees. Even if it did, the fact that a requester charges fees does not make his interests “primarily commercial.” *Pfeiffer v. United States Department of Energy*, 2022 WL 2304069, at *7 (D.D.C., June 27, 2022)[Pfeiffer may have made profits of \$21,000 per year; but it was error to deny him a fee waiver.]

Fee waiver requests are liberally construed in favor of the requester. *Nat’l Sec. Counselors v. U.S. Dep’t of Justice*, 848 F.3d 467, 473 (D.C. Cir. 2017).

Sincerely,

Julius Nyerere, President Emeritus
African Immigrant Rights Council LLC

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